

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI

COLDWELL BANKER REAL ESTATE LLC, a)	
California Limited Liability Corporation)	
Plaintiff,)	
)	Case No. 08-4031-CV-C-NKL
v.)	
)	
BEACH REALTY, LLC, a Missouri Limited)	
Liability Corporation, and)	
DENNIS NEWBERRY, an individual,)	
Defendants,)	

TEMPORARY RESTRAINING ORDER

The Court, having considered the evidence and arguments of counsel, hereby finds that Coldwell Banker has satisfied the legal and evidentiary requirements for the issuance of a Temporary Restraining Order. Accordingly,

IT IS ORDERED THAT:

1. Defendants, Beach Realty LLC and Dennis Newberry including their agents, representatives, employees, and those persons in concert or participation therewith cease:

- (a) Using or infringing upon Coldwell Banker's trademarks, service marks, logos, or trade names, including the mark "COLDWELL BANKER;" and
- (b) Passing off any of their services as those of Coldwell Banker or its authorized franchisees; and
- (c) Performing any act likely to cause the public to believe that Defendants' products and services are affiliated or associated with, or otherwise franchised, licensed, authorized, or approved by Coldwell Banker; and
- (d) Assisting, aiding, or abetting any other person or entity in engaging in or performing any of the activities described in (a) through (d) above.

2. Defendants, Beach Realty LLC and Dennis Newberry including their agents, representatives, employees, and those persons in concert or participation therewith:

- (a) Notify the telephone company and telephone directory publishers within five (5) days that Defendants no longer have the right to use any Coldwell Banker marks and request that they remove Defendants' listing from the directory; and

- (b) Promptly contact any websites of which they are presently aware, or of which they become aware, by Coldwell Banker or otherwise, that advertises or otherwise lists their business as having an association or sponsorship with Coldwell Banker and advise said websites to immediately remove the information reflecting the association with or sponsorship by Coldwell Banker.

IT IS FURTHER ORDERED that the aforementioned action is to be taken on or before Wednesday, March 19, 2008;

IT IS FURTHER ORDERED that Coldwell Banker post an injunction bond in cash, in the sum of \$1,000.00, for payment of such costs and damages as may be incurred by Defendants in the event that it is found the Defendants have been wrongfully enjoined or restrained. Such bond is to be filed with the Clerk of this Court.

Upon agreement of the parties, this temporary restraining order shall expire August 5, 2008.

Issued this 14th day of March 2008.

s/ NANETTE K. LAUGHREY
NANETTE K. LAUGHREY
UNITED STATES DISTRICT COURT JUDGE